

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7536

Petition of Middlebury Electric LLC for a certificate of)
public good to own and operate a hydroelectric generating)
facility located on the west bank of Middlebury Upper)
Falls in the Town of Middlebury, Vermont)

Order entered: 9/2/2009

ORDER CLOSING DOCKET

I. REPORT

On June 11, 2009, Middlebury Electric LLC ("Middlebury Electric") filed a petition for a certificate of public good to own and operate a hydroelectric generating facility located on the west bank of Middlebury Upper Falls in the Town of Middlebury, Vermont. I convened a prehearing conference on July 20, 2009, at which I established a schedule for the proceeding.

On August 10, 2009, Middlebury Electric filed a Stipulated Motion To Dismiss Without Prejudice. In the Motion, Middlebury Electric states that one of the principal investors in Middlebury Electric has been diagnosed with a serious illness, and as a consequence "Middlebury Electric is concerned this illness has created some financial uncertainty that may necessitate a reassessment or a reordering of the funding for this project." Middlebury Electric anticipates that it will re-file its petition after resolving these financial matters. Middlebury Electric represents that all parties have agreed to the granting of the motion to dismiss.

A copy of the motion was served on all parties and on the two potential parties who have filed requests to intervene. No responses to the motion were filed.

No party has opposed the motion to dismiss, and the motion sets forth a sufficient basis for granting it. Therefore, I conclude that the petition may be dismissed without prejudice and this docket closed.

This decision is not adverse to the interest of any party, so it need not be circulated to the parties pursuant to 3 V.S.A. § 811. This report is made to the Public Service Board pursuant to 30 V.S.A. § 8.

Dated at Montpelier, Vermont, this 31st day of August, 2009.

s/Kurt Janson

Kurt Janson, Esq.
Hearing Officer

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Report of the Hearing Officer is accepted.
2. The motion for dismissal without prejudice is granted.
3. This docket shall be closed.

Dated at Montpelier, Vermont, this 2nd day of September, 2009.

<u>s/James Volz</u>)	
)	
)	PUBLIC SERVICE
<u>s/David C. Coen</u>)	
)	BOARD
)	
)	OF VERMONT
)	

OFFICE OF THE CLERK

FILED: September 2, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.